



OFFICE OF THE DISTRICT ATTORNEY
RICHMOND COUNTY
MICHAEL E. McMAHON
DISTRICT ATTORNEY

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With reference to the above-mentioned case, and pursuant to our continuing obligations, the People make the following disclosures:

The People are aware that during the time they have been employed by the New York City Police Department, Sgt. Frank Muirhead in August of 2017 forfeited ten (10) vacation days and was suspended for thirty (30) days without pay as a result of wrongfully consuming an intoxicant, failure to remain at the scene of an incident, and making misleading statements.

Additionally, Sgt. Frank Muirhead in 2016 impeded an investigation, and was found unfit for duty while off duty.

Further following a Civilian Complaint Review Board investigation in regard to an incident that occurred on December 7, 2010, an allegation of an unjustifiable frisk under the circumstances was substantiated against Sgt. Muirhead. Following another Civilian Complaint Review Board investigation in regard to an incident that occurred on February 7, 2011, allegations of abuse of authority for a stop and search and use of force against the same individual were substantiated against Sgt. Muirhead.

Further, Sgt. Frank Muirhead was named as a defendant in the following civil lawsuits:

1. *Franks v. City of New York, et al.*, 1:13-cv-06254-KAM-RER, filed in the United States District Court for the Eastern District of New York, summary judgement entered in favor of the defendants.
2. *Pacheco v. City of New York, et al.*, 1:17-cv-06785-RJD-PK, filed in the United States District Court for the Eastern District of New York, settled in January 2019 for an undisclosed amount and without admission of fault or liability.

The People reserve the right to move *in limine* to preclude reference to this information, or otherwise to object to its use or introduction into evidence during trial.